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State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

Memorandum

DEC 22 2008

To: Mark Mauriello, Acting Commissioner
New Jersey Department of Environmental Protection

Through: *IRK* 12/19/08
Irene Kropp, Assistant Commissioner
Site Remediation Program

From: *[Signature]* 12/18/08
Ed Putnam, Assistant Director
Publicly Funded Remediation Element
Site Remediation Program

Re: Raritan Bay Slag Site Proposal for the U.S. Environmental Protection
Agency's National Priorities List of Superfund Sites

The U.S. Environmental Protection Agency (EPA) Region II's Emergency and Remedial Response Division requested the New Jersey Department of Environmental Protection's (DEP) Site Remediation Program nominate two areas along Raritan Bay in Old Bridge Township and Sayreville Borough as the Raritan Bay Slag site for inclusion on the National Priorities List (NPL) of Superfund Sites. DEP's Site Remediation Program supports proposing this site and recommends you sign the attached letter.

EPA became aware of the Raritan Bay Slag site on April 24, 2008, when DEP submitted the Laurence Harbor seawall portion of the site for federal removal action consideration due to uncontrolled lead contamination that remains within the seawall and on a portion of a public beach. Subsequently, DEP added a jetty area on the Cheesequake Creek for removal action consideration. A detailed background of the site is attached.

SRP determined that NL Industries, Inc. (NL) is a responsible party and directed the company to provide DEP with funding for past investigative work and to sign an Administrative Consent Order (ACO) to investigate and clean up the site. NL failed to pay or sign an ACO.

EPA's evaluation of the Raritan Bay Slag site found that the site should be handled through Superfund's remedial program via NPL listing, not simply action by its removal program, due to the scope of remedial work required.

Issues

- Although not related to a recent settlement with NL on its Sayreville plant along the Raritan River, this action with EPA may be associated with it in some manner.
- EPA informed Old Bridge Township and Sayreville Borough of its action by the removal branch. DEP has contacted the two municipalities to inform them of our support for the NPL listing.
- EPA previously requested a letter from the governor for NPL nominations, but now accepts letters from the commissioner as was done recently for another site.

If you have any questions or would like to discuss these issues in further detail, please contact me at 4-3074, or Fred Mumford, Superfund coordinator in the Publicly Funded Remediation Element, at 2-9962.

attachments

Raritan Bay Slag Site

Site Background

The Raritan Bay Slag site consists of upland and wetland areas along Margaret's Creek and a seawall and beach area of Laurence Harbor, all along Raritan Bay in Old Bridge Township, and the northern jetty area on the Cheesequake Creek along Raritan Bay in Sayreville Borough.

On April 24 2008, DEP submitted the Laurence Harbor seawall portion of the site for removal action consideration under the federal Comprehensive Environmental Response and Cleanup Liability Act (CERCLA). DEP expressed concerns that limited site access restrictions previously implemented at the site will not adequately protect public health and the environment for an extended time. This is due to uncontrolled lead contamination that remains within the seawall and on a portion of a public beach, both part of Waterfront Park along the Raritan Bay in the Laurence Harbor of Old Bridge. Subsequently, DEP added the jetty area on the Cheesequake Creek for removal action consideration after a EPA coordinator astutely discovered similar waste in this area just north of the seawall location that was previously undocumented.

DEP specifically recommended that EPA evaluate a removal action to address lead waste associated with fill incorporated in the Laurence Harbor seawall and Cheesequake Creek jetty and affected sediment in the Raritan Bay. Removal of the lead contamination in the seawall, jetty and beach area will provide greater protection to residents and visitors who frequent the bay-front locations. In 2007, the New Jersey Department of Health and Senior Services' Hazardous Site Health Evaluation Program recommended access restrictions to the seawall and portion of the public beach as a temporary measure to prevent exposure to the lead waste after evaluating site conditions using EPA's Integrated Exposure Uptake Biokinetic (IEUBK) Model for Lead in Children.

EPA's Emergency and Remedial Response Division conducted sampling at the Cheesequake Creek jetty and Laurence Harbor areas in fall 2008 and is preparing to nominate the site for NPL status.

In terms of public notification and outreach to local officials, Old Bridge Township officials worked closely with DEP in 2007, when the material was first discovered, to notify the public in writing about health concerns for the lead waste material and restrict access through signage and some fencing. However, due physical constraints, it is not practical to completely fence off this area and public access to contaminated areas remains a concern. Also, this location is a public park frequented by numerous residents and transient visitors that has been effectively placed off limits. In Sayreville Borough, the Cheesequake Creek jetty area is primarily located on currently undeveloped private property, but often used by fisherman.

Negotiations with a potential responsible party, NL Industries, Inc. (NL), to conduct necessary remedial work have been unsuccessful to date as evidenced by the company's

PUBLIC HEALTH HAZARD

**SAND, SEDIMENT AND WATER
CONTAMINATED WITH HIGH
LEVELS OF LEAD**

**ACCESS TO THE BEACH AND
SEAWALL LOCATED BEHIND
THESE SIGNS IS RESTRICTED**

**NO SWIMMING
NO SUNBATHING
NO FISHING**

**ACTIVITIES SUCH AS SITTING
ON THE SEAWALL AND EATING
OR DRINKING, PLAYING IN
THE SAND AND/OR SWIMMING
COULD RESULT IN EXPOSURES
TO LEAD WHICH MAY BE
HARMFUL TO PUBLIC HEALTH,
ESPECIALLY CHILDREN AND
PREGNANT WOMEN**

FOR ADDITIONAL INFO, CALL:

**EPA HOTLINE:
1.800.346.5009**

PELIGRO A LA SALUD PÚBLICA

**ARENA, SEDIMENTOS Y AGUA
CONTAMINADA CON ALTOS
NIVELES DE PLOMO**

**ACCESO A LA PLAYA Y A EL
MALECÓN QUE SE ENCUENTRAN
DETRÁS DE ESTOS LETREROS
ESTA RESTRINGIDO**

**NO SE PERMITE NADAR
NO SE PERMITE TOMAR SOL
NO SE PERMITE PESCAR**

**ACTIVIDADES TALES COMO
SENTARSE SOBRE EL ROMPEOLAS
Y COMER O BEBER,**

**JUGAR EN LA ARENA Y / O NADAR
PODRÍAN RESULTAR EN LA
EXPOSICION AL PLOMO QUE
PUEDE SER DAÑINO PARA LA
SALUD PÚBLICA, ESPECIALMENTE
A NIÑOS Y A MUJERES EMBARAZADAS
PARA MÁS INFORMACIÓN, LLAMAR:**

LÍNEA DIRECTA DE LA EPA:

1.800.346.5009

